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UNITED STATES DISTRICT COURT  
  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION  
  
HONORABLE MAAME EWUSI-MENSAH FRIMPONG, U.S. DISTRICT JUDGE  
  
UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) Case No. CR 23-169 MEMF  
 )  
MICHAEL BARZMAN, )  
 )  
Defendant. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
CHANGE OF PLEA HEARING  
FRIDAY, MAY 26, 2023  
10:15 A.M.  
LOS ANGELES, CALIFORNIA

\_\_\_\_\_  
  
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**APPEARANCES OF COUNSEL:**

**FOR THE PLAINTIFF:**

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**FOR THE DEFENDANT:**

LAW OFFICES OF JOEL C. KOURY  
BY: JOEL C. KOURY  
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1 FRIDAY, MAY 26, 2023; 10:15 A.M.

2 LOS ANGELES, CALIFORNIA

3 -oOo-

4 THE COURTROOM DEPUTY: Calling Item No. 1,

10:15AM

5 LA Criminal Case 23-00169 MEMF, United States of America versus  
6 Michael Barzman.

7 Counsel, please state your appearances.

8 MS. MCKENNA: Good morning, Your Honor.

9 Alix McKenna for the Government.

10:15AM

10 THE COURT: Good morning.

11 MR. KOURY: Good morning, Your Honor. Joel Koury  
12 with Mr. Barzman who is at counsel table with me.

13 THE COURT: Good morning.

10:16AM

14 MR. KOURY: And I wanted to apologize to the Court  
15 and staff, Your Honor. We were a few minutes late because  
16 counsel and I were outside the wrong courtroom. And I had -- I  
17 was the person that started that mistake, and I apologize.

18 THE COURT: Okay. Understood. No problem. Thank  
19 you.

10:16AM

20 Give me just a moment.

21 (Pause in the proceedings.)

22 THE COURT: Can I see counsel at sidebar briefly?  
23 Thank you.

24 Off the record.

10:17AM

25 (Off-the-record discussion.)

1 THE COURT: Okay. We are back on the record.

2 Good morning to both counsel.

3 Good morning, Mr. Barzman. I understand from your  
4 counsel that you do have some family present and if counsel  
10:18AM 5 could just introduce them.

6 MR. KOURY: Your Honor, present in the courtroom is  
7 Arisa Ortiz who is here as a support person for my client.

8 THE COURT: Okay. Thank you.

9 So, Ms. Ortiz, thank you for being here. I just  
10:18AM 10 wanted to acknowledge your presence. As the attorneys will  
11 know, there are many defendants in criminal cases that have  
12 nobody that comes to support them on any of their court dates.

13 So I really appreciate your presence here today. I  
14 imagine it's not easy for you to be here. And -- but I trust  
10:18AM 15 Mr. Barzman really support -- appreciates your support. And I  
16 do commend you for being here with us today, and I welcome you  
17 to my courtroom.

18 Okay. So with that, we will get started.

19 Mr. Barzman, this is the first time I'm meeting you  
10:18AM 20 because everything is moving sort of fast. But I understand  
21 that you were before another judge for your arraignment, and  
22 I'm the judge who's going to handle things from here on out.

23 There's going to be a lot of questions and answers  
24 today. I'm going to ask both of you to stand at counsel  
10:19AM 25 table -- excuse me -- stand at the lectern, as you're able.

1 I'll repeat this a number of times, but let me say  
2 this to begin with, that no one wants you to be rushed during  
3 this process. And it's very important that you understand  
4 absolutely everything that happens.

10:19AM

5 So if at a certain point you are confused or you  
6 have a question or you need to ask me something or you need to  
7 ask your attorney something, please interrupt me or ask your  
8 attorney to interrupt me.

10:19AM

9 If at a certain point you're just feeling  
10 overwhelmed and you need a break to talk to your attorney or  
11 just to breathe, then interrupt me or ask your attorney to  
12 interrupt me because it's very important that, as you have  
13 already discussed with your attorney, there are some serious  
14 consequences that are going to flow from what happens today.

10:19AM

15 And my role is to make sure that you know all of those  
16 consequences and that you freely accept all of them.

17 And if at a point you need to take a break to talk  
18 about it with your attorney further or just to think, then you  
19 should let us know. Understood?

10:20AM

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. Thank you.

22 So I will -- yes, Counsel?

23 MR. KOURY: Could I have one minute?

24 THE COURT: Yes. We'll go off the record.

25 ///

1 (Off-the-record discussion between  
2 the defendant and his counsel.)

3 THE COURT: Okay. So I will ask counsel and  
4 Mr. Barzman to take the podium.

10:20AM

5 And, Counsel, the podium actually goes -- there's a  
6 button to the right of the microphone on the podium that allows  
7 it to go up and down. So if --

8 MR. KOURY: Understood, Your Honor.

10:21AM

9 THE COURT: Whoever's going to be standing there, if  
10 you need to raise it or lower it --

11 MR. KOURY: Your Honor --

12 THE COURT: -- please do so.

13 Yes?

10:21AM

14 MR. KOURY: The reason why I asked for that -- the  
15 momentary break, Mr. Barzman -- as you will discover when the  
16 pretrial sentencing report is prepared, Mr. Barzman has  
17 suffered from cancer and he has a prosthetic -- well, it's not  
18 prosthetic, but he has a limb replacement in his leg.

19 THE COURT: Okay.

10:21AM

20 MR. KOURY: And I was just checking with him if it's  
21 going to be difficult for him to stand for the 15, 20 minutes,  
22 however long the Court's questioning may be.

23 He's indicated that he thinks he is comfortable  
24 doing it. But in the event that he's having difficulty, I'm  
25 going to notify the Court and then we may ask to sit down, if

10:21AM

1 needed.

2 THE COURT: Okay. Well, why don't we just sit down.  
3 We just sit down and we eliminate that added stress.

4 MR. KOURY: Okay.

10:21AM

5 THE COURT: So you can both be seated. And just  
6 make sure, counsel, if you pull the microphones, both, close to  
7 you so that we can all be heard.

8 Wonderful. Okay.

10:22AM

9 So with that, Counsel, I understand that Mr. Barzman  
10 wishes to enter a plea of guilty pursuant to the agreement that  
11 was filed on April 11th and found at ECF No. 3?

12 MR. KOURY: That's correct, Your Honor.

13 THE COURT: Okay. Thank you.

10:22AM

14 And, Counsel, you can -- in light of all this, you  
15 can -- both of you can remain seated. Thank you.

16 MR. KOURY: Thank you.

17 THE COURT: The plea agreement will be incorporated  
18 and made a part of this proceeding.

10:22AM

19 Let me inquire of the prosecutor, Ms. McKenna. Are  
20 there any victims and have they been notified of this  
21 proceeding and, if so, do they wish to be heard?

22 MS. MCKENNA: No, Your Honor.

23 THE COURT: Thank you.

10:22AM

24 There are no victims and, therefore, none that wish  
25 to be heard?

1 MS. MCKENNA: There are no victims that wish to be  
2 heard, Your Honor.

3 THE COURT: Okay. Thank you.

4 Mr. Barzman, before I accept your plea of guilty, I  
10:22AM 5 must be sure that you're fully informed of your rights and that  
6 you understand your rights and the nature of this proceeding.  
7 So as mentioned, I'm going to ask you a series of questions and  
8 I'm going to tell you about certain rights.

9 If you don't understand one of my questions or any  
10:23AM 10 statement that I make, please tell me and I will stop and make  
11 it clear for you.

12 Also, as I indicated before, you can stop me at any  
13 time to talk to your lawyer or if you just need a break, please  
14 let me know.

10:23AM 15 And I'll just reiterate, as I said before, it's very  
16 important that you understand and are freely agreeing to  
17 everything that happens here today. So please interrupt me or  
18 ask your lawyer to interrupt me if at any point you need a  
19 break.

10:23AM 20 I will now ask the courtroom deputy clerk to  
21 administer the oath.

22 THE COURTROOM DEPUTY: Please raise your right hand.

23 Do you solemnly swear that you will make true  
24 answers to such questions that the Court may ask you regarding  
10:23AM 25 your change of plea so help you God?



1 THE DEFENDANT: Yes.

2 THE COURTROOM DEPUTY: Thank you.

3 THE COURT: Okay. Mr. Barzman, do you understand  
4 that you are now under oath and your answers may be used  
10:24AM 5 against you in any prosecution for perjury or making a false  
6 statement?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you understand that you have the  
9 right to remain silent and not to answer any of my questions?

10:24AM 10 THE DEFENDANT: Yes.

11 THE COURT: Do you give up that right to remain  
12 silent?

13 THE DEFENDANT: Yes.

14 THE COURT: Counsel, do you join?

10:24AM 15 MR. KOURY: I do, Your Honor.

16 THE COURT: Mr. Barzman, what is your true and  
17 correct, full name?

18 THE DEFENDANT: Michael Philip Barzman.

19 THE COURT: Thank you.

10:24AM 20 And Philip is spelled?

21 THE DEFENDANT: P-h-i-l-i-p.

22 THE COURT: Thank you.

23 How old are you?

24 THE DEFENDANT: 45.

10:24AM 25 THE COURT: Did you graduate from high school?

1 THE DEFENDANT: Yes.

2 THE COURT: Did you graduate from college?

3 THE DEFENDANT: I did partial college, Your Honor.

4 THE COURT: How many years?

10:24AM 5 THE DEFENDANT: Two years.

6 THE COURT: Okay. Thank you.

7 Have you been treated recently for any mental

8 illness or addiction to narcotics of any kind?

9 THE DEFENDANT: AA but -- I'm in AA.

10:25AM 10 THE COURT: Thank you.

11 Are you under the influence of any drug, medication,  
12 or alcoholic beverage of any kind?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Have you had any drugs, medication, or  
10:25AM 15 alcohol within the last three days?

16 THE DEFENDANT: No.

17 THE COURT: And so you don't -- Mr. -- your attorney  
18 mentioned your cancer diagnosis. And I do wish you the best  
19 with respect to that.

10:25AM 20 There's no medication you're taking for that?

21 THE DEFENDANT: No.

22 THE COURT: Okay. Thank you.

23 Do you suffer from any mental condition or  
24 disability that would prevent you from fully understanding the  
10:25AM 25 charges against you or the consequences of your guilty plea?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Is there any reason we should not go  
3 forward today?

4 THE DEFENDANT: No, Your Honor.

10:25AM 5 THE COURT: Mr. Koury?

6 MR. KOURY: Yes.

7 THE COURT: Sorry, Counsel. Can you pronounce your  
8 name?

9 MR. KOURY: Koury is correct, Your Honor.

10:25AM 10 THE COURT: Okay. Thank you.

11 Have you talked to your client today about these  
12 proceedings?

13 MR. KOURY: I have.

14 THE COURT: Do you have any reason to believe he  
10:26AM 15 should not go forward with this plea today?

16 MR. KOURY: No, Your Honor.

17 THE COURT: Do you believe that he's in possession  
18 of his faculties and is competent to proceed?

19 MR. KOURY: Yes, Your Honor.

10:26AM 20 THE COURT: Based on the statements of the defendant  
21 and his counsel and my observations, I find that the defendant  
22 is in full possession of his faculties and is competent to  
23 proceed.

24 Mr. Barzman, you are charged with making false  
10:26AM 25 statements, in violation of Title 18 of the United States Code,

1 Section 1001(a)(2), which is a felony. Do you understand the  
2 charge?

3 THE DEFENDANT: I do, Your Honor.

4 THE COURT: Now, you have the constitutional right  
10:26AM 5 to be charged by an Indictment returned by a grand jury. You  
6 can waive that right and consent to being charged by an  
7 Information filed by the U.S. Attorney. And in this case, the  
8 felony charges against you have been brought by the filing of  
9 an Information.

10:26AM 10 Unless you waive Indictment, you may not be charged  
11 with a felony unless a grand jury finds that there is probable  
12 cause to believe that a crime has been committed and that you  
13 committed it.

14 If you do not waive Indictment, the Government may  
10:27AM 15 present the case to the grand jury and ask that the grand jury  
16 indict you.

17 And a grand jury is composed of at least 16 and not  
18 more than 23 persons. At least 12 grand jurors must find that  
19 there is probable cause to believe that you committed the crime  
10:27AM 20 with which you are charged before you may be indicted. The  
21 grand jury might or might not indict you.

22 If you waive Indictment by the grand jury, the case  
23 will proceed against you on the U.S. Attorney's Information, as  
24 though you had been indicted.

10:27AM 25 Have you discussed waiving your right to Indictment

1 by the grand jury with your lawyer?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And do you understand your right to  
4 Indictment by a grand jury?

10:27AM 5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Has anyone made any promises,  
7 representations, or guarantees of any kind to you in order to  
8 get you to waive your right to an Indictment?

9 THE DEFENDANT: No, Your Honor.

10:28AM 10 THE COURT: Has anyone attempted in any way to  
11 threaten you, your family, or anyone close to you to get you to  
12 waive your right to an Indictment?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Has anyone attempted in any way to force  
10:28AM 15 you to waive your right to an Indictment?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Do you want to waive and give up your  
18 right to an Indictment by a grand jury?

19 THE DEFENDANT: Yes, Your Honor.

10:28AM 20 THE COURT: Counsel, have you discussed with your  
21 client his right to be charged by an Indictment?

22 MR. KOURY: I have, Your Honor.

23 THE COURT: Do you know of any reason why he should  
24 not waive Indictment?

10:28AM 25 MR. KOURY: No, Your Honor.

1 THE COURT: Are you satisfied that the waiver is  
2 knowingly, voluntarily, and intelligently made?

3 MR. KOURY: I am, Your Honor.

4 THE COURT: Do you concur in the waiver?

10:28AM 5 MR. KOURY: I do.

6 THE COURT: I have a signed Waiver of Indictment  
7 filed on April 24th, 2023, at ECF 14.

8 Counsel, do you have a copy of it in front of you?

9 MR. KOURY: I do not, but I'm familiar with it  
10 because we signed it.

11 THE COURT: Thank you.

12 I just wanted to have Mr. Barzman confirm in open  
13 court that it's his signature on the form. So if the  
14 Government doesn't have a copy, we can print a copy and show it  
15 to him real quick. I'll ask the clerk to do that.

10:29AM 16 We'll go off the record for a moment.

17 (Pause in the proceedings.)

18 THE COURT: Okay. We're back on the record.

19 And the clerk has printed a copy of the Waiver of  
10:30AM 20 Indictment and given it to counsel and was showing it to  
21 Mr. Barzman.

22 Mr. Barzman, is this your signature on the form?

23 THE DEFENDANT: Yes, it is, Your Honor.

24 THE COURT: Okay. Did you read and understand the  
10:30AM 25 waiver before you signed it?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: In the case of United States versus  
3 Barzman, I find the defendant is fully competent and aware of  
4 the nature of his right to require that the Government proceed  
10:30AM 5 by way of an Indictment. I further find that the waiver is  
6 freely, intelligently, and voluntarily made. I, therefore,  
7 accept the waiver that was filed.

8 Okay. Turning to Ms. McKenna.

9 Have you completed a review of your file and the  
10:30AM 10 file and notes of any other prosecutors on the case to  
11 determine whether there is any material favorable to the  
12 defense or that might lead to information favorable to the  
13 defense that has not yet been provided subject to the  
14 limitations in *Ruiz*? Have you completed that review?

10:31AM 15 MS. MCKENNA: Yes, Your Honor. And all such  
16 material has been provided to counsel.

17 THE COURT: Thank you.

18 Mr. Barzman, have you received a copy of the  
19 Information that we talked about, that's the written statement  
10:31AM 20 of the charges against you?

21 THE DEFENDANT: Yes, I have, Your Honor.

22 THE COURT: And for the record, the Information is  
23 found at ECF No. 11 -- excuse me -- I think that's ECF No. 1  
24 and was filed on April 11th.

10:31AM 25 You do have the right to have me read the

1 Information to you. Would you like me to read it to you?

2 THE DEFENDANT: No, thank you, Your Honor.

3 THE COURT: Do you give up that right?

4 THE DEFENDANT: Yes, Your Honor.

10:31AM

5 THE COURT: You also have the following  
6 constitutional rights that you will be giving up if you plead  
7 guilty:

8 You have the right to plead not guilty to any  
9 offense charged against you and to persist in that plea.

10:32AM

10 You have the right to a speedy and public trial.

11 You have the right to a trial by jury.

12 At trial, you would be presumed to be innocent, and  
13 the Government would have to prove your guilt by proving each  
14 element of the charge beyond a reasonable doubt.

10:32AM

15 In a jury trial, your attorney, you, the prosecutor,  
16 and myself would participate in selecting 12 members of the  
17 community to serve as your jury. I'm looking over there  
18 because they would sit to my left.

19 At the trial, the Government would present its  
10:32AM 20 evidence, and you could only be convicted if all 12 members of  
21 the jury found unanimously that the Government had proven each  
22 and every element of the charge against you beyond a reasonable  
23 doubt.

24 And now, if both you and Government -- the

10:32AM

25 Government give up the right to a jury trial, you also have the



1 right to be tried by a judge. That would be by me.

2 You have the right to assistance of counsel for your  
3 defense, even if you do not enter into a plea agreement.

4 And if you cannot afford counsel, I will appoint you  
10:33AM 5 counsel free of charge to assist you at trial and at every  
6 other stage of the proceedings.

7 You have the right to confront and cross-examine the  
8 witnesses against you, that is, to see and hear all the  
9 witnesses and have them questioned by your lawyer.

10:33AM 10 You have the right to present evidence and have  
11 witnesses subpoenaed and compelled to testify on your behalf.

12 You have the right to testify yourself on your own  
13 behalf.

14 You have the privilege against self-incrimination,  
10:33AM 15 that is, you have the right not to testify or to incriminate  
16 yourself in any way.

17 If you went to trial and you decided not to testify,  
18 that fact could not be used against you.

19 By pleading guilty, you are giving up that right and  
10:34AM 20 you are incriminating yourself.

21 Finally, if you go to trial and you are convicted,  
22 you have the right to appeal your conviction and your sentence.

23 Has your lawyer advised you of all of these rights?

24 THE DEFENDANT: Yes, Your Honor.

10:34AM 25 THE COURT: Do you understand all of them?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you have any questions about any of  
3 them?

4 THE DEFENDANT: No, Your Honor.

10:34AM 5 THE COURT: Do you need any more time to talk to  
6 your lawyer about any of them?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: Do you understand that if I accept your  
9 plea, you will be incriminating yourself and you will have  
10 waived or, in other words, given up your right to a trial and  
11 all of the other rights I just mentioned?

12 THE DEFENDANT: I understand, Your Honor.

13 THE COURT: Do you give up those rights?

14 THE DEFENDANT: Yes, Your Honor.

10:34AM 15 THE COURT: Counsel, are you satisfied that each of  
16 these waivers is knowingly, voluntarily, and intelligently  
17 made?

18 MR. KOURY: I am, Your Honor.

19 THE COURT: Do you concur and join in each of the  
10:34AM 20 waivers?

21 MR. KOURY: I do, Your Honor.

22 THE COURT: Mr. Barzman, again, you are charged with  
23 making false statements, in violation of Title 18 of the  
24 United States Code, Section 1001(a)(2), which is a felony. And  
10:35AM 25 I understand that is the charge that you are pleading to.

1 I'm going to ask the prosecutor at this time to  
2 describe the nature of the charges.

3 MS. MCKENNA: Yes, Your Honor.

4 The defendant understands that for the defendant to  
10:35AM 5 be guilty of the crime charged in the Information, that is,  
6 making false statements to a Government agency, in violation of  
7 18, U.S.C. 1001(a)(2), the following must be true:

8 First, the defendant made a false statement;

9 Second, the statement was made in a manner within  
10:35AM 10 the jurisdiction of the FBI;

11 Third, the defendant acted willfully, that is, the  
12 defendant acted deliberately and with knowledge, both that the  
13 statement was untrue and that his conduct was unlawful; and

14 Fourth, the statement was material to the activities  
10:35AM 15 or decisions of the FBI, that is, it had a natural tendency to  
16 influence or was capable of influencing the agency's decisions  
17 or activities.

18 THE COURT: Thank you.

19 Mr. Barzman, do you understand the nature of the  
10:36AM 20 charge?

21 THE DEFENDANT: I do, Your Honor.

22 THE COURT: Have you discussed the charge and the  
23 elements of the charge with your lawyer?

24 THE DEFENDANT: Yes, Your Honor.

10:36AM 25 THE COURT: Do you have any questions about the

1 charge?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Have you been advised of the maximum and  
4 any minimum penalty?

10:36AM 5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Ms. McKenna, can you please describe the  
7 penalties, including the statutory maximum, any mandatory  
8 minimum, the term of supervised release, fines, and special  
9 assessments?

10:36AM 10 MS. MCKENNA: The statutory maximum sentence that  
11 the Court can impose for a violation of 18, U.S.C., 1001(a)(2),  
12 is five years' imprisonment, a three-year period of supervised  
13 release, a fine of \$250,000 or twice the gross gain or gross  
14 loss resulting from the offense, whichever is greatest, and a  
10:36AM 15 mandatory special assessment of \$100.

16 THE COURT: Thank you.

17 Are there any *Apprendi* issues in this case,  
18 Ms. McKenna?

19 MS. MCKENNA: No, Your Honor.

10:37AM 20 THE COURT: Mr. Barzman, you may be subject to  
21 supervised release for a number of years after your release  
22 from prison, if you are sent to prison.

23 Have you discussed with your lawyer and do you  
24 understand supervised release?

10:37AM 25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you understand that if you are  
2 sentenced to serve some time in prison and you are placed on  
3 supervised release following imprisonment and you violate one  
4 or more of the conditions of your supervised release, you may  
10:37AM 5 be returned to prison for all or part of the term of supervised  
6 release allowed by law? Do you understand that?

7 THE DEFENDANT: I do, Your Honor.

8 THE COURT: Do you understand that, if that happens,  
9 it could result in your serving a total term of imprisonment  
10:38AM 10 greater than the statutory maximum? Do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand that if you are now on  
13 parole, probation, or supervised release, this plea today alone  
14 may be the basis for revocation of that parole, probation, or  
10:38AM 15 supervised release and, as a result, you may be returned to  
16 prison on that other case? Do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you understand that if you are not a  
19 citizen of the United States, today's plea and conviction may  
10:38AM 20 subject you to deportation or removal from the United States,  
21 which in some circumstances may be mandatory, and it may result  
22 in the denial of naturalization or citizenship, amnesty,  
23 residency status, and admission to the United States in the  
24 future? Do you understand that?

10:38AM 25 THE DEFENDANT: I understand, Your Honor.

1 THE COURT: And the record will reflect that the  
2 plea agreement also contains the immigration advisement at  
3 paragraph 8.

4 Mr. Barzman, you are pleading to a felony offense.

10:39AM

5 If your plea is accepted, I will find you guilty. That may  
6 deprive you of valuable civil rights, including the right to  
7 vote, the right to hold public office, the right to serve on a  
8 jury, and the right to possess a firearm of any kind. Do you  
9 understand that?

10:39AM

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Ms. McKenna, is there any issue of  
12 restitution in this case?

13 MS. MCKENNA: There may be, Your Honor. And likely  
14 that will be a complex issue that would be the basis of a  
15 future hearing.

10:39AM

16 THE COURT: Okay. So it's not addressed explicitly  
17 in the plea agreement?

18 MS. MCKENNA: No, Your Honor.

19 THE COURT: Okay. Mr. Barzman, I may order you to  
20 pay restitution to any victim of the offense. And as  
21 Ms. McKenna has indicated, it's not addressed in the plea  
22 agreement.

10:40AM

23 Do you understand the concept of restitution?

24 THE DEFENDANT: Yeah, I understand, Your Honor.

10:40AM

25 THE COURT: Okay. Counsel, do you need just a few

1 moments to speak with Mr. Barzman about that?

2 MR. KOURY: No. I think -- I think he's -- he and I  
3 understand the consequences.

4 THE COURT: And you've previously discussed it?

10:40AM 5 MR. KOURY: I have, yes.

6 THE COURT: Okay. Thank you.

7 Okay. Mr. Barzman, do you understand and agree that  
8 you may have to pay restitution in this case?

9 THE DEFENDANT: Yes, Your Honor.

10:40AM 10 THE COURT: And, Ms. McKenna, is forfeiture an issue  
11 in this case?

12 MS. MCKENNA: No, Your Honor.

13 THE COURT: Okay. Thank you.

14 And under some circumstances, Mr. Barzman, I may  
10:41AM 15 order you to provide notice of the conviction to victims of the  
16 offense.

17 Now, do you understand the possible consequences of  
18 your plea, including the maximum sentence you can receive and  
19 the other terms that the AUSA and I described?

10:41AM 20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you understand that parole has been  
22 abolished and, if you are sent to prison, you will not be  
23 released on parole?

24 THE DEFENDANT: Yes, Your Honor.

10:41AM 25 THE COURT: Do you have any questions regarding the

1 maximum or possible minimum sentence you may possibly receive  
2 if I accept your plea of guilty?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Have you discussed the possible  
10:41AM 5 punishment, the facts of your case, and the possible defenses  
6 with your lawyer?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Have you understood everything that has  
9 been said so far?

10:41AM 10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Is there any reason I should not  
12 continue with these proceedings and take your plea today?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Mr. Barzman, you will be sentenced under  
10:41AM 15 the Sentencing Reform Act of 1984. Under this law, the  
16 United States Sentencing Commission has issued Sentencing  
17 Guidelines. I have to consult these guidelines and take them  
18 into account in determining your sentence, but I'm not required  
19 to follow them.

10:42AM 20 In determining your sentence, I am required to  
21 calculate the applicable Sentencing Guidelines range and to  
22 consider that range, possible departures under the Sentencing  
23 Guidelines, and other sentencing factors under Title 18 of the  
24 United States Code, Section 3553(a).

10:42AM 25 Have you and your lawyer talked about how the



1 guidelines might be applied in your case?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that, regardless of  
4 the Sentencing Guidelines range, I may sentence you to prison  
10:42AM 5 for up to the maximum time allowed by law, which in this case  
6 is five years?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Has your lawyer explained how the  
9 various elements and factors will be used to determine your  
10:43AM 10 sentence?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand that neither I nor  
13 your lawyer will be able to determine the guidelines range for  
14 your case until after the presentence report has been prepared?

10:43AM 15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you understand that you and the  
17 Government will have an opportunity to review the report and  
18 challenge the reported facts and the guidelines range  
19 calculation and to suggest that I consider other factors?

10:43AM 20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you understand that the sentence  
22 imposed by me may be different from any estimate your lawyer  
23 may have given you?

24 THE DEFENDANT: Yes, Your Honor.

10:43AM 25 THE COURT: And do you understand that, after your

1 guidelines range has been calculated, I can impose a sentence  
2 that is within the guidelines, below the guidelines, or even  
3 above the guidelines? Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

10:43AM

5 THE COURT: Do you understand that this uncertainty  
6 would not be a basis to withdraw your guilty plea?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you understand that the  
9 disappointment you may feel over the guidelines range

10:44AM

10 calculation would not be a basis to withdraw your guilty plea?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And do you understand that my eventual  
13 sentence would not be a basis to withdraw your guilty plea?

14 THE DEFENDANT: Yes, Your Honor.

10:44AM

15 THE COURT: Okay. Turning to the plea agreement.

16 Mr. Koury, do you have it before you?

17 MR. KOURY: I do, Your Honor.

18 THE COURT: Thank you.

19 Mr. Barzman, did you read the plea agreement and

10:44AM

20 discuss it with your lawyer before you signed it?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And if we can turn to what is page 21 of  
23 the ECF document and 22 of the ECF document, it's a separate --  
24 scanned pages. Do you see the pages I'm referring to?

10:44AM

25 Are those your signatures on those two pages?

1 THE DEFENDANT: Yes, they are, Your Honor.

2 THE COURT: Do you understand the terms of the plea  
3 agreement?

4 THE DEFENDANT: Yes, Your Honor.

10:45AM

5 THE COURT: Do you want any more time to discuss the  
6 plea agreement with your lawyer? Because I'm happy to give you  
7 more time to discuss it.

8 THE DEFENDANT: No, thank you, Your Honor.

10:45AM

9 THE COURT: Now, do you understand that I am not a  
10 party to the agreement? So I am not bound by the terms of the  
11 agreement. Do you understand that?

12 THE DEFENDANT: I do, Your Honor.

13 THE COURT: Has anyone made any promises,  
14 representations, or guarantees of any kind to you in an effort  
15 to get you to plead guilty in this case other than what is  
16 contained in the written plea agreement?

10:45AM

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Other than what is contained in the  
19 written plea agreement and what has been stated here in open  
20 court today and other than a general discussion of the  
21 guidelines with your lawyer, has anyone made you promises of  
22 leniency, a particular sentence or range, probation, or any  
23 other inducement of any kind to get you to plead guilty?

10:45AM

24 THE DEFENDANT: No, Your Honor.

10:46AM

25 THE COURT: Has anyone attempted in any way to

1 threaten you, a family member, or someone close to you to get  
2 you to plead guilty?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Has anyone attempted in any way to force  
10:46AM 5 you to plead guilty in this case?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Are you pleading guilty voluntarily and  
8 of your own free will?

9 THE DEFENDANT: Yes, Your Honor.

10:46AM 10 THE COURT: Now, as part of the plea agreement, the  
11 Government has agreed to make certain recommendations  
12 concerning your sentence or the offense level to be used in  
13 determining your sentence.

14 Do you understand that these terms of the plea  
10:46AM 15 agreement are just recommendations to me and that I can reject  
16 these recommendations and impose a sentence that is more severe  
17 than you may expect without allowing you to withdraw your plea?

18 THE DEFENDANT: I understand, Your Honor.

19 THE COURT: Do you understand that by entering into  
10:46AM 20 this plea agreement and entering a plea of guilty, you will  
21 have given up or limited your right to appeal this conviction  
22 and your right to appeal all or part of your sentence?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: I'm going to ask Ms. McKenna to please  
10:47AM 25 describe the waivers.

1 MS. MCKENNA: Defendant understands that, with the  
2 exception of an appeal based on a claim that defendant's guilty  
3 plea was involuntary, by pleading guilty, defendant is waiving  
4 and giving up any right to appeal defendant's conviction on the  
10:47AM 5 offense to which defendant is pleading guilty.

6 Defendant understands that this waiver includes, but  
7 is not limited to, arguments that the statute to which  
8 defendant is pleading guilty is unconstitutional and any and  
9 all claims that the statement of facts provided herein is  
10:47AM 10 insufficient to support defendant's plea of guilty.

11 THE COURT: Thank you.

12 Could you also address the waiver of appeal of  
13 sentence?

14 MS. MCKENNA: Yes, Your Honor.

10:48AM 15 Defendant agrees that, provided the Court imposes a  
16 total term of imprisonment on the count of conviction below the  
17 statutory maximum sentence, defendant gives up the right to  
18 appeal all of the following:

19 The procedures and calculations used to determine  
10:48AM 20 and impose any portion of the sentence;

21 The terms of imprisonment imposed by the Court;

22 The fine imposed by the Court, provided it is within  
23 the statutory maximum;

24 To the extent permitted by law, the

10:48AM 25 constitutionality or legality of defendant's sentence, provided

1 it is within the statutory maximum;

2 The terms of probation or supervised release imposed  
3 by the Court, provided it is within the statutory maximum;

4 And any of the following conditions of probation or  
10:48AM 5 supervised release imposed by the Court. The conditions set  
6 forth in Second Amended General Order 20-04 of this Court, the  
7 drug testing conditions mandated by 18, U.S.C., 3563(a)(5) and  
8 3583(d), and the alcohol and drug use conditions authorized by  
9 18, U.S.C., 3563(b)(7).

10:49AM 10 THE COURT: And before you continue --

11 Mr. Barzman, do you understand that by entering into  
12 this plea agreement and entering a plea of guilty, you will  
13 also have given up or limited your right to collaterally attack  
14 this conviction or your sentence? Do you understand that?

10:49AM 15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Okay. And so I'll ask Ms. McKenna to  
17 address the waiver of the right to post-conviction collateral  
18 attack.

19 MS. MCKENNA: Defendant also gives up any right to  
10:49AM 20 bring a post-conviction collateral attack on the conviction or  
21 sentence, except a post-conviction collateral attack based on a  
22 claim of ineffective assistance of counsel, claim of newly  
23 discovered evidence, or an explicitly retroactive change in the  
24 applicable Sentencing Guidelines, sentencing statutes, or  
10:49AM 25 statutes of conviction.

1 Defendant understands that this waiver includes, but  
2 is not limited to, arguments that the statute to which  
3 defendant is pleading guilty is unconstitutional and any and  
4 all claims that the statement of facts provided herein is  
10:50AM 5 insufficient to support defendant's plea of guilty.

6 THE COURT: Thank you.

7 Mr. Barzman, did you discuss giving up all of these  
8 rights with your lawyer?

9 THE DEFENDANT: Yes, Your Honor.

10:50AM 10 THE COURT: Based on that discussion and having  
11 considered this issue, do you agree that you are giving up  
12 these rights to appeal and collaterally attack on the terms and  
13 conditions just stated?

14 THE DEFENDANT: Yes, Your Honor.

10:50AM 15 THE COURT: Okay. Turning to Mr. Koury.

16 The plea agreement indicates on page 20 and 22 that  
17 it was signed by you and, on the pages referenced earlier,  
18 signed by Mr. Barzman. Is that correct?

19 MR. KOURY: That's correct, Your Honor.

10:50AM 20 THE COURT: Did Mr. Barzman sign the agreement in  
21 your presence?

22 MR. KOURY: Yes. Yes, he did, Your Honor. I -- I  
23 had to think back. I apologize.

24 THE COURT: Okay. No worries.

10:51AM 25 Did you discuss the contents of the agreement with

1 Mr. Barzman before he signed it?

2 MR. KOURY: I did, Your Honor.

3 THE COURT: Does the agreement represent the entire  
4 agreement between Mr. Barzman and the Government?

10:51AM 5 MR. KOURY: It does, Your Honor.

6 THE COURT: Did you review the facts of the case and  
7 all the discovery provided by the Government with Mr. Barzman?

8 MR. KOURY: I did, Your Honor.

9 THE COURT: Did you pursue with him the potential  
10 defenses he might have?

11 MR. KOURY: I did, Your Honor.

12 THE COURT: Have you advised him concerning the  
13 legality or admissibility of any statements or confessions or  
14 other evidence the Government has against him?

10:51AM 15 MR. KOURY: I have, Your Honor.

16 THE COURT: To the best of your knowledge, is he  
17 pleading guilty because of any illegally obtained evidence in  
18 the possession of the Government?

19 MR. KOURY: No, Your Honor. Not to my -- not that  
10:51AM 20 I'm aware of.

21 THE COURT: Did you and Mr. Barzman agree that it  
22 was in his best interest to enter into this plea agreement?

23 MR. KOURY: We did, Your Honor.

24 THE COURT: Do you believe that he is entering into  
10:52AM 25 this plea agreement freely and voluntarily with full knowledge



1 of the charges and the consequences of the plea?

2 MR. KOURY: I do, Your Honor.

3 THE COURT: Have there been any promises,  
4 representations, or guarantees made either to you or to

10:52AM

5 Mr. Barzman other than what is contained in the written plea  
6 agreement and what has been stated here in open court?

7 MR. KOURY: No, Your Honor.

8 THE COURT: Other than what is contained in the  
9 written plea agreement and has been stated here in open court

10:52AM

10 and other than a general discussion of the guidelines and other  
11 sentencing considerations, have you given any indication to

12 Mr. Barzman of what specific sentence I would impose or

13 conveyed to him a promise of a particular sentence or a

14 particular sentencing range in the event that I accept his plea

10:52AM

15 of guilty?

16 MR. KOURY: No, Your Honor.

17 THE COURT: Do you know of any reason why I should  
18 not accept his plea?

19 MR. KOURY: No, Your Honor.

10:52AM

20 THE COURT: Do you join in the waiver of jury trial  
21 and concur in the plea?

22 MR. KOURY: I do, Your Honor.

23 THE COURT: Ms. McKenna, other than what is  
24 expressly contained in the written plea agreement and what has

10:53AM

25 been stated here in open court, has the Government made any

1 promises, representations, or guarantees, either to the  
2 defendant or his counsel?

3 MS. MCKENNA: No, Your Honor.

4 THE COURT: Does the Government waive jury trial?

10:53AM 5 MS. MCKENNA: Yes, Your Honor.

6 THE COURT: Mr. Barzman, are you satisfied with the  
7 representation your lawyer has provided?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Have you told your lawyer everything you  
10 know about your case?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you believe he has fully considered  
13 any defense you may have to the charges?

14 THE DEFENDANT: Yes, Your Honor.

10:53AM 15 THE COURT: Do you believe he has fully advised you  
16 concerning this matter?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Have you had enough time to discuss the  
19 matter with him?

10:53AM 20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: It's important for me to know if you're  
22 giving your own honest answers to my questions or if you are  
23 just giving answers that someone else told you to give.

24 Are you giving your own honest answers to my  
10:54AM 25 questions today?

1 THE DEFENDANT: Yes, I am, Your Honor.

2 THE COURT: Do you believe that you understand  
3 everything that happened here today and everything that was  
4 said by me and by the lawyers?

10:54AM 5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you believe that you understand the  
7 consequences to you of this plea?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Do you believe that you are competent to  
10:54AM 10 make the decision to plead guilty?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you know of any reason why I should  
13 not accept your plea of guilty?

14 THE DEFENDANT: No, Your Honor.

10:54AM 15 THE COURT: Do you understand, then, that all that  
16 is left in your case, if I accept your plea of guilty, is the  
17 imposition of sentence, which may include imprisonment?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Mr. Barzman, having in mind all that we  
10:54AM 20 have discussed regarding your plea of guilty, the rights that  
21 you will be giving up, the maximum sentence you may receive, do  
22 you still want to plead guilty?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. Please listen carefully. I'm  
10:54AM 25 going to ask the prosecutor to state the facts that the

1 Government would be prepared to prove at trial. And then I'm  
2 going to ask you some questions about what she is about to say.

3 And, Ms. McKenna, please proceed.

4 MS. MCKENNA: Yes, Your Honor.

10:55AM

5 The factual basis is about seven pages long. Would  
6 the Court want me to read the entire factual basis or skip over  
7 certain portions?

8 THE COURT: Please read the entire factual basis.  
9 And maybe just to save your back, you can take the lectern.

10:55AM

10 Thank you.

11 MS. MCKENNA: Thank you, Your Honor.

12 The defendant admits that defendant is, in fact,  
13 guilty of the offense to which defendant is agreeing to plead  
14 guilty.

10:55AM

15 Defendant and the USAO agree to the statement of  
16 facts provided below and agree that the statement of facts is  
17 sufficient to support a plea of guilty to the charge described  
18 in this agreement and to establish the Sentencing Guidelines  
19 factors set forth in paragraph 11 below but is not meant to be  
20 a complete recitation of all facts relevant to the underlying  
21 criminal conduct or all facts known to either party that relate  
22 to this conduct.

10:55AM

23 On or about August 18 of 2022 and October 13 of  
24 2022, in Los Angeles County, within the Central District of  
25 California, defendant knowingly and willfully made false

10:56AM

1 statements to the FBI. The statements were made in a matter  
2 within the jurisdiction of the FBI. Defendant made the  
3 statements deliberately with the knowledge that the statements  
4 were untrue and the defendant's conduct was unlawful.

10:56AM

5 Further, the statements were material to the  
6 activities and decisions of the FBI and were capable of  
7 influencing the agency's decisions and activities.

10:56AM

8 In approximately 2012, the defendant and an  
9 associate J.F. formed a plan to create drawings and paintings  
10 in the style of celebrated painter Jean-Michel Basquiat and  
11 art -- and market the artwork for sale as if they were  
12 authentic works by the artist.

10:57AM

13 Defendant and J.F. worked together to create a  
14 series of paintings and drawings designed to look like works by  
15 Basquiat, which will be referred to here as "the Fraudulent  
16 Paintings."

17 J.F. spent a maximum of 30 minutes on each image as  
18 little -- and as little as five minutes on others and then gave  
19 them to defendant to sell on eBay.

10:57AM

20 Defendant and J.F. agreed to split the money that  
21 they made from selling the Fraudulent Paintings.

22 J.F. and defendant created approximately 20 to  
23 30 artworks by using various art materials to create colorful  
24 images on cardboard.

10:57AM

25 After finishing the images, defendant and J.F.

1 placed them outdoors to expose them to the elements and thus  
2 create an aged appearance consistent with works made in the  
3 1980s when Basquiat was painting. Defendant then sold the  
4 works and gave half of the profits to J.F.

10:57AM

5 The plea agreement indicates that the Fraudulent  
6 Paintings created by J.F. and/or the defendant, including --  
7 and then there is a picture of nine works, which is included on  
8 page 7.

10:58AM

9 Provenance is the history of the ownership of a  
10 piece of artwork beginning with the hand of the artist and  
11 continuing to the present owner of the artwork. Establishing  
12 provenance is essential in determining if a piece of artwork is  
13 authentic.

10:58AM

14 Provenance documentation can include invoices,  
15 gallery records, gallery labels, or documentation from an  
16 artist foundation, estate, or authentication boards, as  
17 examples. Provenance records can also include auction records  
18 and records of exhibitions of artwork at museums and other art  
19 exhibitions.

10:58AM

20 Exhibiting artwork at museums adds to the  
21 authenticity of artworks. Artwork purported to be by an  
22 established artist with no provenance has less value than  
23 artwork by the same established artist which has an established  
24 provenance.

10:58AM

25 In 2012, during the time the defendant was creating

1 the Fraudulent Paintings, he also worked as an auctioneer and  
2 ran a business called Mike Barzman Auctions that focused on  
3 purchasing and reselling the contents of unpaid storage units.

10:59AM 4 Defendant purchased the contents of a unit  
5 previously rented by a well-known screenwriter,  
6 Thaddeus Mumford, Jr.

7 Defendant used the acquisition of Mumford's stored  
8 items to create a false provenance for the Fraudulent  
9 Paintings. Defendant claimed that the Fraudulent Paintings  
10:59AM 10 were found inside Mumford's storage unit, along with Mumford's  
11 other possessions.

12 To bolster this false provenance, defendant gave  
13 buyers of the Fraudulent Paintings a ticket stub from a storage  
14 unit with locker No. 2125 and told them that it had come from  
10:59AM 15 Mumford's locker.

16 Defendant also provided a group of buyers with  
17 notarized documents affirming that the Fraudulent Paintings  
18 came from Mumford's storage unit.

19 On February 12th of 2022 --

10:59AM 20 THE COURT: I apologize for interrupting. If I  
21 could ask you to just slow down a little bit for me and the  
22 reporter. Thank you.

23 MS. MCKENNA: Will do, Your Honor.

24 On February 12th of 2022, the Orlando Museum of Art  
11:00AM 25 opened an exhibit entitled "Heroes & Monsters:

1 Jean-Michel Basquiat, the Thaddeus Mumford, Jr., Venice  
2 Collection," featuring 25 paintings purportedly by Basquiat.

3 Most of the featured works had, in fact, been  
4 created by defendant and J.F. Defendant was aware of the  
11:00AM 5 exhibition and knew that he had created or co-created the  
6 majority of the featured works.

7 The exhibition catalog included an essay stating  
8 that some of the featured pieces had previously been kept in  
9 Mumford's storage locker. The essay also referenced a sworn  
11:00AM 10 statement from a, quote, "small-time Los Angeles auctioneer,"  
11 defendant, stating the defendant had purchased the contents of  
12 Mumford's locker, including paintings on cardboard.

13 Turning to the June 14, 2022, interview and false  
14 statements.

11:01AM 15 On June 14 of 2022, FBI special agents interviewed  
16 defendant at his home in Los Angeles within the Central  
17 District of California. In the beginning of the interview, the  
18 agents cautioned defendant to be honest because lying to an FBI  
19 agent can constitute a crime.

11:01AM 20 Defendant told the agents that he had previously  
21 been in the business of buying the contents of storage lockers.  
22 He claimed that approximately ten years prior to the interview,  
23 while working in the storage locker purchasing business, he  
24 came across art that he thought, quote, "might have been" by  
11:01AM 25 Basquiat, which he sold to, quote, "a couple of groups of



1 people."

2 Defendant told the agents that he sold the works as,  
3 quote, "in the manner of" Basquiat, after seeking opinions on  
4 their authenticity and hearing from people that the works  
11:02AM 5 didn't look right or would be very hard to authenticate.

6 Defendant stated that he had doubts as to the  
7 authenticity of the works but never told the agents that he  
8 knew they were inauthentic.

9 Defendant told the agents that he had purchased the  
11:02AM 10 contents of a storage unit belonging to Mumford, that he did  
11 not know whether the artworks came from that unit and "never  
12 even thought that."

13 Defendant told the agents that members of a group of  
14 buyers that included T.B., W.F., and L.M. contacted him for  
11:02AM 15 years and repeatedly asked him to sign paperwork saying that  
16 the works came from the Mumford storage unit. Defendant told  
17 the agents that the buyers offered him \$5,000 to sign documents  
18 authenticating the works.

19 Agents showed defendant a notarized declaration,  
11:02AM 20 signed by defendant, stating that the paintings came from  
21 Mumford's storage unit. Defendant claimed that he did not  
22 remember signing the document but said he might have.

23 At the time of the interview, defendant knew that  
24 Basquiat did not create the Fraudulent Paintings. Further, he  
11:03AM 25 knew that it was a lie to tell the FBI agents that the works,

1 quote, "might have been" by Basquiat because he and J.F. had  
2 actually created them. Defendant knew that his statements to  
3 the contrary were untruthful.

11:03AM 4 Turning to the August 18, 2022, interview and false  
5 statements.

6 On August 18 of 2022, FBI special agents interviewed  
7 defendant at the United States Attorney's Office in Los Angeles  
8 within the Central District of California.

11:03AM 9 At the beginning of the interview, defendant was  
10 advised that if he made a knowing and willful false statement,  
11 it could subject him to criminal prosecution.

12 Defendant described selling paintings purportedly by  
13 Basquiat. When asked where the fake Basquiat paintings came  
14 from, defendant responded, "I don't know. They could have come  
11:04AM 15 from a storage locker. I think at that time I was, like,  
16 almost 90 percent sure they did."

17 When asked where he had acquired the paintings,  
18 defendant responded, quote, "either a storage locker, an estate  
19 sale, a clear-out, I don't know. I had a lot of stuff coming  
11:04AM 20 in, so I don't know."

21 Defendant was asked: "Did somebody paint them for  
22 you?"

23 Defendant responded, "No."

24 Defendant was asked whether he painted the works  
11:04AM 25 himself. He responded, "No."

1 At the time of the interview, defendant knew that he  
2 and J.F. had created the paintings and that his statements to  
3 the contrary were untruthful. His statements that he did not  
4 make the paintings or have someone make them for him were  
11:04AM 5 material to the activities and decisions of the FBI and were  
6 capable of influencing the agency's decisions and activities.

7 Turning to the October 13, 2022, interview and false  
8 statements.

9 On October 13 of 2022, FBI special agents  
11:05AM 10 interviewed defendant at the United States Attorney's Office in  
11 Los Angeles, within the Central District of California.

12 In the beginning of the interview, defendant was  
13 again advised that lying to the interviewing agents would  
14 constitute a crime. Defendant admitted that he knew, quote,  
11:05AM 15 "it was a lie" that the artwork came from Mumford's storage  
16 locker. Nevertheless, defendant still denied making the  
17 Fraudulent Paintings.

18 Defendant -- excuse me.

19 Agents showed defendant a label on the back of one  
11:05AM 20 of the Fraudulent Paintings. The painting was one of the items  
21 the defendant had sold and that was later displayed in the  
22 Orlando Museum of Art.

23 Agents pointed out that a shipping label bearing  
24 defendant's name and former address was attached to the  
11:05AM 25 cardboard on which the painting had been created. There was

1 dry paint on top of the shipping label. Defendant claimed that  
2 he had never seen the work and said that he had no idea how a  
3 shipping label bearing his information got on the back of it.

4 Defendant denied making the art and claimed that he  
11:06AM 5 could not think of anyone else who could have been involved in  
6 its creation.

7 At the time of the interview, defendant knew that he  
8 had created the Fraudulent Paintings, that he and J.F. had  
9 fabricated a series of Fraudulent Paintings together, and that  
11:06AM 10 a label bearing his name was on the artwork because the  
11 cardboard had been in his possession prior to the painting's  
12 creation. His statements that he did not make the paintings or  
13 have someone make them for him were material to the activities  
14 and decisions of the FBI and were capable of influencing the  
11:06AM 15 agency's decisions and activities.

16 Turning to the October 21, 2022, interview and  
17 defendant's admissions.

18 On October 21 of 2022, FBI special agents  
19 interviewed defendant at the United States Attorney's Office in  
11:07AM 20 Los Angeles within the Central District of California.

21 Defendant admitted that he, quote, "lied about the  
22 entire thing" and that he, quote, "created the pieces" with his  
23 friend J.F. Defendant admitted to signing a notarized document  
24 for a group of buyers, including L.M. and T.B., stating that  
11:07AM 25 the Fraudulent Paintings came from Mumford's storage unit

1 bearing unit No. 2125.

2 He told the agents that he signed the document and  
3 had it notarized after T.B. offered him 10,000 or \$15,000 to  
4 sign the paperwork. Defendant said that he was never paid.

11:07AM

5 Defendant told agents that in approximately 2017 or  
6 2018, he informed L.M. that he could not prove the Mumford  
7 provenance story, and L.M. reacted with anger.

8 THE COURT: Thank you.

9 Mr. Barzman, do you understand what the prosecutor  
10 just said?

11:08AM

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Is everything she said, including what  
13 she said about you and your conduct and intent true and  
14 correct?

11:08AM

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Are you pleading guilty because you did  
17 the things that the prosecutor described?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Are you pleading guilty because you are  
20 guilty?

11:08AM

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Ms. McKenna, is the Government satisfied  
23 with the factual basis?

24 MS. MCKENNA: Yes, Your Honor.

11:08AM

25 THE COURT: Does the Government agree that the Court

1 has complied with the requirements of Rule 11?

2 MS. MCKENNA: Yes, Your Honor.

3 THE COURT: Mr. Koury, do you agree that the -- that  
4 the Court has complied with the requirements of Rule 11?

11:08AM 5 MR. KOURY: I do, Your Honor.

6 THE COURT: Mr. Barzman, in Case  
7 No. 2:23-CR-169-MEMF, how do you plead to Count 1?

8 THE DEFENDANT: Guilty.

9 THE COURT: Mr. Barzman, I'm going to make certain  
11:09AM 10 findings. If you don't understand what I say or if you  
11 disagree with what I say or if you want to talk to your lawyer,  
12 please interrupt me or ask your lawyer to interrupt me right  
13 away.

14 In the case of United States versus Barzman, I have  
11:09AM 15 questioned the defendant and his counsel on the offer of his  
16 plea of guilty to Count 1 of the Information, a felony; the  
17 defendant and his counsel have advised me that they have  
18 conferred concerning the offered plea of guilty and all aspects  
19 of the charge against the defendant and any defenses he may  
11:09AM 20 have; I've observed the defendant's intelligence, demeanor, and  
21 attitude while answering questions and I've observed that the  
22 defendant does not appear to be under the influence of any  
23 medicine, drug, or other substance or factor that might affect  
24 his actions or judgment in any manner. Based upon this, I find  
11:10AM 25 that the defendant is fully competent and capable of entering

1 an informed plea and is aware of the nature of the charges and  
2 the consequences of the plea.

3 I further find that the plea of guilty is knowingly,  
4 voluntarily, and intelligently made with a full understanding  
11:10AM 5 of the nature of the charges, the consequences of the plea, and  
6 the defendant's constitutional rights.

7 I further find that the plea is supported by an  
8 independent factual basis containing each of the essential  
9 elements of the offense.

11:10AM 10 I accept the plea, and I order that the plea be  
11 entered.

12 Let's go off the record for a moment to discuss the  
13 sentencing date.

14 (Off-the-record discussion.)

11:11AM 15 THE COURT: Okay. We're back on the record.

16 The date of August 18th does work.

17 A written presentence report will be prepared by the  
18 Probation and Pretrial Services Office.

19 So, Mr. Barzman, you're going to be asked to provide  
11:12AM 20 some information for that report, as your attorney alluded to.  
21 Your lawyer may be present if you wish. Both of you will be  
22 able to read the report and file objections before the  
23 sentencing hearing. And both of you will be able to speak on  
24 your behalf at the hearing.

11:12AM 25 Now, I want to emphasize to you, you're going to

1 have a conversation with your lawyer about the best way to  
2 present your position on sentencing. You may submit certain  
3 things in advance of the sentencing hearing. You may speak at  
4 the sentencing hearing. You may have other people who know you  
11:13AM 5 present things in advance or at the sentencing hearing.

6 And I just want you to know that I'm going to  
7 consider carefully anything that you submit to me in advance  
8 and anything that happens on the date of sentencing, just like  
9 I will consider anything presented by the Government.

11:13AM 10 Understood?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. Now, for counsel's information, I  
13 have asked the Probation and Pretrial Services Office to  
14 include on my cases the judiciary sentencing information data,  
11:13AM 15 the JSIN data, so you'll see that in the presentence report.

16 The defendant is referred to the Probation and  
17 Pretrial Services Office for a presentence report.

18 The date for sentencing will be August 18th, 2023,  
19 at 10:00 a.m.

11:13AM 20 Mr. Barzman, you're ordered to appear on that date  
21 and time without any further notice or order of the Court.

22 No later than 14 days before the hearing, each party  
23 shall submit either a sentencing memorandum or a written notice  
24 of intent not to file one. Any objections to the presentence  
11:14AM 25 report, including the JSIN data, and any proposed conditions of



1 supervised release are due at that time.

2 And then the parties are also ordered to advise the  
3 courtroom deputy clerk if they intend to present any witnesses  
4 at the sentencing hearing, either in person or via Zoom. It  
11:14AM 5 would be extremely helpful to us if you could let the clerk  
6 know by the Friday before so we can plan appropriately.

7 Okay. And I trust that the Government is not  
8 seeking remand in this case?

9 MS. MCKENNA: No, Your Honor.

11:14AM 10 THE COURT: Okay. So based upon the Government's  
11 position, the nature of the charges, the fact that the  
12 defendant has made all of his appearances, as far as I know,  
13 and given the likely sentencing range, I do find it appropriate  
14 to remain -- allow Mr. Barzman to remain on the conditions of  
11:14AM 15 release that he's already under.

16 So, Mr. Barzman, I've already advised you of the  
17 date and time of your sentencing hearing. Failure to appear  
18 for your sentencing hearing is a separate crime for which you  
19 can be sentenced to prison.

11:15AM 20 All of the conditions of release that currently  
21 apply that are currently in place continue to apply. I don't  
22 believe I've heard any -- been provided with any notifications  
23 that you're not complying with the conditions of release.

24 Please know that the penalty for violating  
11:15AM 25 conditions of release can also be severe. So it's important

1 for you to be able to remain out on your own recognizance -- or  
2 not quite on your own recognizance but remain out of custody  
3 pending the sentencing hearing, you'll need to continue to  
4 comply with the conditions of release.

11:15AM

5 All other dates other than the sentencing date are  
6 vacated as to this defendant, and all material witnesses as to  
7 this defendant are released.

8 Anything further from the Government?

9 MS. MCKENNA: No, Your Honor.

11:15AM

10 THE COURT: Thank you.

11 Mr. Koury, anything further from you?

12 MR. KOURY: Your Honor, I just wanted to express my  
13 gratitude to the Court for accommodating us in light of  
14 Mr. Barzman's medical condition, allowing us to sit at the  
15 table. While it may seem like a small gesture, it's a gesture  
16 that I greatly appreciate. So thank you.

11:16AM

17 THE COURT: Thank you. It was my pleasure.

18 Okay. And, again, I do want to thank Ms. Ortiz for  
19 your presence today.

11:16AM

20 Good luck to you, Mr. Barzman. We will see you in  
21 August. Thank you.

22 And the Court stands adjourned.

23 (Proceedings concluded at 11:16 a.m.)

24

25

**CERTIFICATE OF OFFICIAL REPORTER**

COUNTY OF LOS ANGELES     )  
   )  
STATE OF CALIFORNIA         )

I, MYRA L. PONCE, FEDERAL OFFICIAL REALTIME COURT  
REPORTER, IN AND FOR THE UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT  
TO SECTION 753, TITLE 28, UNITED STATES CODE THAT THE FOREGOING  
IS A TRUE AND CORRECT TRANSCRIPT OF THE STENOGRAPHICALLY  
REPORTED PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER AND THAT  
THE TRANSCRIPT PAGE FORMAT IS IN CONFORMANCE WITH THE  
REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES.

DATED THIS 31ST DAY OF JULY, 2023.

/S/ MYRA L. PONCE

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MYRA L. PONCE, CSR NO. 11544, CRR, RDR  
FEDERAL OFFICIAL COURT REPORTER

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